

Town of Cumberland Article 6 – Special Zones Zoning Ordinance

Section 6-3 Agricultural/Residential Cluster Development

(a) Purpose

An Agricultural Cluster Development ("ACD") or a Residential Cluster Development ("RCD") may be established upon approval by the Planning Board pursuant to Section 45-24-47 of the Rhode Island General Laws (as amended), and also upon approval by the Zoning Board as a Special Permit Use for an ACD with a density bonus; for the purpose of preserving farmlands, providing attractive, convenient, and efficient neighborhoods and to promote the efficient use of land and maintain open space. Housing units shall be clustered to allow for open space and/or active farmlands. Any application filed for an RCD or ACD shall be forwarded to the Planning Department for review and comment. The Planning Board may approve, approve with conditions, or deny any plan for such cluster development.

(b) Allowed Zones

- (1) RCD's are permitted by right, subject to Planning Board approval, in the A-1, A-2 and R-1 Zones.
- (2) ACD's are permitted by right, subject to Planning Board approval, in the A-1 and A-2 Zones; and are permitted as a special use, subject to both Planning Board and Zoning Board approval for such special use permit, where a density bonus is sought in an A-1 Zone.

(c) Minimum Size of Development

- (1) An RCD shall have a minimum size of 20 acres.
- (2) And ACD shall have a minimum size of 50 acres.

(d) Permitted Uses

- (1) One household detached dwellings (Use Code 11).
- (2) Agricultural (Use Codes 01 through 04) [except in the R-1 Zone].
- (3) Uses customarily accessory to residence.
- (4) Uses customarily accessory to agricultural [except in the R-1 Zone].

(e) Density requirements

- (1) Density requirements (lot area per household) shall be the same as the underlying zone for an RCD in any allowed zone, and an ACD in an A-2 zone.
- (2) Density requirements for an ACD in an A-1 Zone may be reduced to 80% of that required in the underlying zone, upon approval both by the Planning Board and by the Zoning Board acting upon the Special Use Permit.

(f) General Requirements

- (1) At least 50% of the proposed RCD must remain open space, and at least 50% of the proposed ACD must remain devoted to active agricultural use.
- (2) All streets in an RCD or ACD development which are intended or required for dedication to the Town shall be improved in accordance with the requirements and specifications of the Town. Driveways and other paved areas intended to remain in

private ownership shall be approved as to design and construction standards by the Planning Board.

(3) No RCD or ACD shall be initiated until:

- i) A plan of same has been submitted to the Planning Board, together with a plan of subdivision meeting the requirements of this Ordinance and the Subdivision Regulations without the benefit of any cluster technique;
- ii) A public hearing has been held thereon by the Planning Board in the same manner as that described for the Zoning Board of Review in Section 9-8 (b) of this Ordinance; and
- iii) Approval has been granted by the Planning Board.
- iv) Approval has been granted by the Zoning Board, after proper notice and hearing, for an ACD with a density bonus.

(g) Site Plan

A site plan shall be recorded after the RCD or ACD is approved. At a minimum, this site plan shall show the entire development, indicating lots, roads, easements, open space, phases for development, any recreational uses or buildings to be constructed in the open space, and any ponds, streams or wetlands. This plan shall be approved by the Planning Board before it is recorded in the Land Evidence Records in the Office of the Town Clerk.

(h) Open Space in an RCD

Any open space in an RCD shall be either be deeded in fee to the Town or an agency or organization specifically designated in advance by the Town to receive dedication of such property, or shall have all of the developments rights to said open space deeded to the Town or such agency, as the Planning Board may require.

(i) Agricultural Use Land in an ACD

Any land to be used for agricultural purposes in an ACD shall be deeded to the Town or an agency or organization specifically designated in advance by the Town to receive dedication of such property. The approval of such ACD shall only remain valid so long as such agricultural land is actively used for agricultural purposes, and such fact shall be prominently noted on all plans and approvals of any ACD and any deed thereafter. The failure to use such agricultural land for active agricultural use shall be deemed to be a violation of this Ordinance.